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Ser. No. 09/396,362
Submission in Request for
Continuing Examination

REMARKS

Applicant proposed amendments and offered arguments and authority as to why claims 1 through 6 and new claims 10 through 12 were novel, unobvious and should be allowed in Applicant's After Final Reply submitted herein June 24, 2002. Those arguments will not be repeated herein except by this reference. It is intended that the Examiner will consider the previously filed amendments, argument and authority in the context of this Request for Continuing Examination submission.

Applicant is further proposing new claims 13 through 15, wherein Applicant claims non-alcoholic beverages that taste similar to beer, wine and distilled spirits and contain kavapyrones. These new claims are established to be novel and unobvious by the attached Declaration of Gregory Gene Steiner, under 37 C.F.R. 1.131, and copies of notes attached thereto, demonstrating that inventor Steiner conceived of and began reducing to practice the invention of kavapyrone containing non-alcoholic beverages that taste like alcoholic beverages during the period September 14, 1997 and December 12, 1997, prior to the publication of 'Bunz (November 30, 1998) and Kavakaze (1999), and further that inventor Steiner acting diligently thereafter to further reduce this aspect of his invention to practice through June 29, 1999, the filing date of Applicant's provisional application upon which the subject application is based.

CONCLUSION

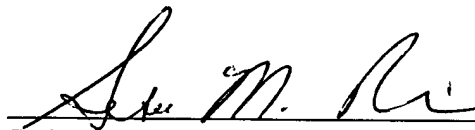
In Applicant's After Final Reply submitted June 24, 2002, Applicant proposed amending the abstract to remove the objectionable language and to amend those claims that concern methods of administration using non-alcoholic beverages to depend upon claim 1. Having established that Chatterjee ('134) does not anticipate the subject invention, Applicant is entitled to a patent on the subject matter claimed in claim 1. Claims 2 through 6 and 10 through 12 include all limitations found in claim 1 and should, therefore, likewise be allowed.

In this RCE submission, Applicant is proposing a new independent claim 13, and new claims 14 through 16 dependent thereon, which claim kavapyrone containing non-alcoholic beverages having a taste that is similar to and reminiscent of their alcoholic counterparts. These new claims are established as novel and non-obvious through the Declaration of Gregory Gene Steiner and the notes referenced therein and attached thereto.

This submission, together with a Request for Continued Examination and Non-Publication Request, are being mailed with a certificate after prosecution on the original application was closed by issuance of the Final Action mailed April 24, 2002, and prior to the 3 month shortened statutory time for reply to that Final Action. A small entity filing fee sufficient for the claims as amended, being two independent claims and thirteen total claims is also enclosed.

The Examiner is invited to contact the undersigned attorney at (808) 544-8351, business hours Hawaii standard time, or via email at <sreiss@wik.com>, in order that the undersigned attorney may endeavor to resolve any outstanding issues as expeditiously as possible thereby to avoid prolonged prosecution of the present application.

Respectfully submitted,



Seth M. Reiss, Reg. No. 30,211
Watanabe, Ing & Kawashima
999 Bishop St., 23rd Floor
Honolulu, Hawaii 96813
Phone: (808) 544-8351
Fax: (808) 544-8399
E-mail: <sreiss@wik.com>



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Ser. No. 09/596,362
Declaration Under 37
CFR § 1.131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: **Gregory Gene Steiner**
Application Number: **09/596,362**
Filed: **June 17, 2000**
Atty. Docket No.: **4171-1P**
Group Art No.: **1651**
Examiner: **Todd Ware**
Title: **ALPHA-PYRONE COMPOSITIONS FOR CONTROLLING
CRAVING AND AS A SUBSTITUTE FOR ALCOHOL**

Assistant Commissioner of Patents
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.131

I, Gregory Gene Steiner, hereby declare under penalty of perjury as follows:

1. I am the inventor of the subject matter disclosed in the above-referenced patent application.
2. I conceived of the invention of kavapyrone containing non-alcoholic wine, beer and distilled spirits (from which the alcohol has been removed) during the period September 14, 1997 through December 20, 1997, prior to the publication dates of the prior art references of Bunz and Kavakaze which were cited by the Examiner in rejecting claims 7 through 9 in the Final Office Action dated April 24, 2002.
3. I began reducing the invention of kavapyrone containing non-alcoholic wine, beer and distilled spirits (from which the alcohol has been removed) to practice during the period

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CFR § 1.131

September 14, 1997 through December 20, 1997, prior to the publication dates of the prior art references of Bunz and Kavakaze.

4. I worked diligently to further reduce the invention of kavapyrone containing non-alcoholic wine, beer and distilled spirits (from which the alcohol has been removed) to practice during the period December 20, 1997 through the filing of my Provisional Patent Application No. 60/141,805 on June 29, 1999, being the provisional application referenced by the subject application and which contains an enabling disclosure of this aspect of my invention, by further testing kavapyrone containing non-alcoholic wine, beer and distilled spirits (from which the alcohol has been removed) and testing these beverages on populations including alcoholic populations.

5. Accompanying this declaration are true and accurate copies of two pages of notes that I made on a computer contemporaneous with the dates shown thereon evidencing my conception and reduction to practice of the invention of kavapyrone containing non-alcoholic wine, beer and distilled spirits (from which the alcohol has been removed) that is disclosed and described in my patent application above referenced.

6. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: July 3, 2002.


GREGORY GENE STEINER

Kava

7-25-97

Did not have any booze in the house and did not have any money. So tried Kava. It did its thing with the relaxation but had no more desire for alcohol. What if this could stop people from drinking. Found reference to kava regarding the effects of Kava on the body. Talked about a rash. Did not see anything like this on the tongan I drank with. They looked quite healthy. Did say they were 20% underweight. They looked upon this as a problem much like a heroin addict might be wasted. If a group is 20% underweight on average it is obvious that Kava has something to do with it. Looked like Kava may be very good at weight reduction. With all of the fatties around this could be very cool. Cant' find any references to this so maybe this could be patented for alcoholism prevention and treatment and weight loss. Made hot tea. Yep it does relax. Takes about 20 minutes. I can use this at this time with all of the crap that is going on. Does good job of relaxing the muscles. Tastes bad though. Need to mix with something to make it taste OK then I should be able to sell this stuff.

7-27-97

A report out of Fiji said they were able to totally resolve smoking habit by doing a bunch of psychological stuff with using the local leaders getting together as group and making pledges. They were 100% successful with getting them to stop smoking. That is crap! But they used the Kava ceremony as part of their village bonding stuff. I think it was the Kava that might have stopped them from wanting to smoke rather than the psycho stuff. If Kava can make you not want to eat or drink booze then why should it not be able to make you not want to smoke. What if I could patent this for smoking also?

9-10-97

Searched the net for what Kava does. could not find anything regarding Kava and it's ability to do anything with smoking and food or booze as far as claims go. Does make you feel good and does not seem to have any big problems. This could be big. Need to do something about how it tastes. Taste is a big problem.

9-14-97

Mixed it with Spearmint tasted pretty good. Bought kava capsules and emptied the capsules into non-alcoholic beer but it would not mix. Found out gelatin serves as a method for suspending stuff in liquids. Realized the capsules that kava extract comes in is made of gelatin. Put the whole capsules in NA beer and NA wine and poured off the sediment. Liquid is clear and has improved taste over NA beer and wine alone.

10-9-97

Found some good prices at some of the botanical houses. Will order Kava from Botanicals International when I get some bucks. Need to add the spearmint to that order.

12-20-97

This could be big. Smoking, drinking and food. Seems crazy but at least with the booze thing I know for sure. Tried to link alcohol with kava and the only thing I come up with is that you are not supposed to mix and that you should stop drinking if you drank kava. If this Kava thing is going to be big I should find out how it could be more easily grown because they dig the plant up for the roots. Seems stupid. How about hydroponics and just cut the damn roots. Six capsules of kava extract per bottle of NA wine and two capsules per bottle of NA beer produces good taste and effects similar to the alcohol product.

1-26-98

Appears that when something causes you to stop desiring something they are called anticraving agents. Does not seem like there are many out there. Kava could be a great anticraving agent if it does for other people that it did for me.

3-11-98

Ran across a definition of anticraving agents on one of the studies on the internet. Kava is definitely an anticraving agent. I know it is for alcohol and believe it to be for food and smokes. But what about the rest of the big time drugs. If kava works for some it should work for all of them. That does seem crazy but why not? Need to see what works as anticraving agents for the other biggies such as heroine and coke.

4-7-98

Lot of research in the net through medline. Very cool but very complicated stuff. Cannot find any work on kava as an anticraving agent but a lot of work on that it makes people relaxed and why it gets people high. It appears that kava works on a bunch of areas of the brain and it is not important to get the exact mechanism but it would help to be able to extrapolate from good research why kava is an effective anticraving agent. When that is worked through then maybe get to some patents.